

REMARKS

In the Office Action, the Examiner withdrew claims 26-37, 39-41, 48-55 and 57-61 from consideration. In addition, the Examiner objected to claim 43; rejected claim 23 under 35 U.S.C. §112, second paragraph; rejected claim 62 under 35 U.S.C. §101; rejected claims 1, 4-12, 14-18, 21-25, 42-47, 56 and 62 under 35 U.S.C. §102(b); and rejected claims 2, 3, 13, 19, 20 and 38 under 35 U.S.C. §103(a). These objections and rejections are fully traversed below.

Claims 23, 43, 56 and 62 have been amended to further clarify the subject matter regarded as the invention. Claims 1-62 remain pending. Reconsideration of the application is respectfully requested based on the following remarks.

RESTRICTION REQUIREMENT

In the Office Action, the traversal of the restriction requirement was denied and claims 26-37, 39-41, 48-55 and 57-61 were withdrawn from consideration.

OBJECTION TO CLAIM 43

In the Office Action, claim 43 was objected to due to a minor informality. Applicants have amended claim 43 to clarify the informality identified by the Examiner. Accordingly, it is respectfully requested that the objection to claim 43 be withdrawn.

REJECTION OF CLAIMS 23 and 62 UNDER 35 U.S.C. §112, Second Paragraph

In the Office Action, the Examiner rejected claims 23 and 62 under the second paragraph of 35 U.S.C. §112 as being indefinite due to minor informalities. Claims 23 and 62 have been amended to correct the informalities and thereby further clarify the subject matter regarded as the invention. Accordingly is respectfully requested that the rejection of claims 23 and 62 under the second paragraph of 35 U.S.C. §112 be withdrawn.

REJECTION OF CLAIM 62 UNDER 35 U.S.C. §101

In the Office Action, the Examiner rejected claim 62 under 35 U.S.C. §101 alleging that this claims is directed towards non-statutory subject matter. Applicants respectfully disagree. The nature of the computer program code recited in these claims is sufficiently tangible, physical and/or functional to satisfy the requirements of 35 U.S.C. §101. Nevertheless, to expedite prosecution of this application, Applicants have amended claim 62 to emphasize its tangible nature. Accordingly, it is respectfully requested that the Examiner withdraw the rejection to claim 62 under 35 U.S.C. §101.

PATENTABILITY OF CLAIMED INVENTION

In the Office Action, the Examiner rejected claims 1, 4-12, 14-18, 21-25, 42-47, 56 and 62 under 35 U.S.C. §102(b) as being anticipated by Fleming, U.S. Patent 5,953,710; rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Fleming in view of official notice; and rejected claims 2, 3, 19, 20 and 38 under 35 U.S.C. §103(a) as being unpatentable over Fleming in view of Herman, PCT Intl. Publication WO/0043852. These rejections are fully traversed below.

Fleming describes credit or debit card systems for children. The credit or debit card systems "allow the available credit to be determined by someone other than the card issuer and that allow a limit to be set on the number of expenditures that can be made." See Abstract.

In contrast, claim 1 pertains to a method for transferring an amount of money to a recipient account associated with a recipient. The money amount is then available for use by a recipient for purchase of goods over a network. On page 4 of the Office Action, the Examiner references col. 10, lines 43-47 of Fleming as being relevant. However, such portion of Fleming pertains to processing of a parent request to increase a child's available credit. In doing so, Fleming at column 10, lines 43-45, indicates that a bank accounts database 22 can be updated to record in the requested increase in a child's available credit.

Increasing or providing credit to a child by a parent as in Fleming is not a transfer of money to a recipient for use in purchasing goods over a network. Hence, unlike Fleming, claim 1 concerns transferring amount of money to a recipient account to allow for the recipient to utilize the money in a purchase goods over a network.

More particular, among other things, claim 1 recites:

- (a) receiving an allowance request from a user indicating a request to set up an allowance for a recipient, the allowance representing an amount of money being made available by the user to the recipient for purchase of one or more items over the network; and
- (b) receiving an allowance increment or selection of an allowance increment, the allowance increment indicating an amount of money to be transferred to the recipient account on a periodic basis.

Accordingly, the method of claim 1 receives an allowance request from a user. The allowance represents an amount of money being made available by the user to the recipient for the purchase of one or more items over the network. As previously noted, Fleming is concerned with credit or debit transactions. More particularly, the allowances discussed at col. 14, lines 45-60 of Fleming merely concern increases to a child's credit. Therefore, Fleming fails to teach or suggest the allowance request recited in claim 1.

In addition to the allowance request, the method of claim 1 also receives an allowance increment or selection of an allowance increment. The allowance increment indicates "an amount of money to be transferred to the recipient account on a periodic basis." On page 4 of the Office Action, the Examiner references column 14, lines 45-57 of Fleming as being relevant to the allowance increment. However, column 14, lines 45-57 of Fleming only concern allowances that operate to increase a child's available credit. Namely, Fleming states: "Allowances may be provided by a parent regularly requesting an increase in a child's available credit in the amount of the child's allowance." As a result, Fleming also fails to teach or suggest the allowance increment recited in claim 1

which indicates "an amount of money to be transferred to the recipient account on a periodic basis."

In the Office Action, the Examiner notes that the "recitation of 'for use by the recipient for purchase of goods over a network' has not been given patentable weight because the recitation occurs in the preamble." Office Action, page 4. While the preamble of claim 1 does recite "for use by the recipient for purchase of goods over a network", it should also be noted that claim 1 additionally recites (in the body of the claim) that "the allowance representing an amount of money being made available by the user to the recipient for purchase of one or more items over the network...." As a consequence, claim 1 is specifically concerned with an allowance that represents an amount of money that a recipient can utilize to purchase one or more items over a network. Hence, it is submitted that the Examiner is required to give the above-noted claim language patentable weight. Claim 1 is, therefore, further patentably distinct from Fleming because Fleming does not teach or suggest using an allowance of an amount of money for the purpose of purchasing one or more items over a network.

Accordingly, for at least the reasons noted above, it is respectfully submitted that claim 1 is patentably distinct from Fleming. In addition, claim 62 pertains to a computer readable medium that includes computer program code that can operate similar to the method discussed above regarding claim 1. As such, for at least reasons similar to those noted above with respect to claim 1, it is submitted that claim 62 is also patentably distinct from Fleming.

Claim 56 pertains to a method for facilitating the transfer of money to one or more recipient accounts associated with one or more recipients. The money amount is then available for use by recipients for purchase of goods over a network. As previously noted, Fleming pertains to processing of a parent request to increase a child's available credit. Increasing or providing credit to a child by a parent as described in Fleming is not a transfer of money to a recipient for use in purchasing goods over a network

More particular, among other things, claim 56 recites:

maintaining a list of one or more recipient accounts, each of the recipient accounts having an associated allowance increment indicating an amount of money to be transferred to the recipient account on a periodic basis; and

automatically transferring the allowance increment associated with each of the recipient accounts to the corresponding recipient account on a periodic basis,

whereby the recipients are thereafter able to purchase one or more items over the network using the money from the allowance increments that have been transferred to the recipient accounts associated with the recipients.

Accordingly, the method of claim 56 maintains a list of recipient accounts that are receiving an allowance in accordance with an allowance increment that indicates an amount of money. As previously noted, Fleming is concerned with credit or debit systems. The allowances discussed at col. 14, lines 45-60 of Fleming merely concern increases to a child's credit. Therefore, Fleming fails to teach or suggest maintaining a list of recipient accounts that are receiving an allowance of money.

In addition, the allowance increment indicates "an amount of money to be transferred to the recipient account on a periodic basis." On page 8 of the Office Action, the Examiner references column 10, lines 23-26 and 43-46 of Fleming. However, such portions of Fleming only concern increases to a child's available credit. As a result, Fleming also fails to teach or suggest a list of recipient accounts having associated allowance increments recited in claim 56.

In the Office Action, the Examiner notes that the "recitation of 'for purchase of goods over a network' has not been given patentable weight because the recitation occurs in the preamble." Office Action, page 8. While the preamble of claim 56 does recite " the money being made available for use by

the recipients for purchase of goods over a network”, it should also be noted that claim 56 additionally recites (in the body of the claim) that “the recipients are thereafter able to purchase one or more items over the network using the money from the allowance increments that have been transferred to the recipient accounts associated with the recipients.” As a consequence, claim 56 is also specifically concerned with an allowance that represents an amount of money that a recipient can utilize to purchase one or more items over a network. Hence, it is submitted that the Examiner is required to give the above-noted claim language patentable weight. Claim 56 is, therefore, further patently distinct from Fleming because Fleming does not teach or suggest using an allowance of an amount of money for the purpose of purchasing one or more items over a network.

For at least the reasons noted above, it is respectfully submitted that claim 56 is also patentably distinct from Fleming.

Herman is referenced by the Examiner with respect to claims 2, 3, 19, 20 and 38 for describing a “monthly” allowance. Hence, even if Herman were properly combinable with Fleming, Herman would be unable to overcome the serious deficiencies of Fleming discussed above.

Based on the foregoing, it is submitted that all claims are patentably distinct over the cited art of Fleming and Herman. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Additionally, in the Office Action, Official Notice is taken regarding storage (or not storage) of certain information in a recipient account. Applicants seasonably challenge the Official Notice and respectfully requested that the Examiner cite a reference in this regard.

SUMMARY

It is submitted that claims 1-25, 38, 42-47, 56 and 62 (as well as withdrawn claims 26-37, 39-41, 48-55 and 57-61) are patentably distinct from Fleming, alone or in combination with Herman. It is also submitted that claim 42 is not objectionable. Further, it is submitted that claims 23 and 62 are sufficiently definite to satisfy the requirements of the second paragraph of 35 U.S.C. §112. In addition, it is submitted that claim 62 satisfies the requirements of 35 U.S.C. §101. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

/C. Douglass Thomas/

C. Douglass Thomas
Reg. No. 32,947

Technology & Innovation Law Group, PC
19200 Stevens Creek Blvd., Suite 240
Cupertino, CA 95014
408-252-9991
408-252-9993 (fax)